

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BARRY C MASSEY,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C13-5507 BHS-JRC

REPORT AND RECOMMENDATION

NOTED FOR:

SEPTEMBER 12, 2014

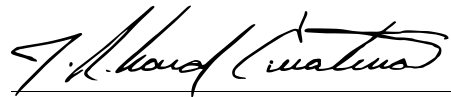
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

The Court stayed this action so that petitioner could exhaust an issue in state court (Dkt. 3). When petitioner failed to file a status report, the Court entered an order to show cause (Dkt. 7). In response to an order to show cause, petitioner states that he received relief when the state legislature passed a bill that took effect on June 1, 2014 (Dkt. 8). Petitioner asks that the Court dismiss his petition as moot without reaching the merits (Dkt. 8).

1 Fed. R. Civ. P. 41(a)(1) allows for dismissal by petitioner under these circumstances. The
2 Court recommends granting petitioner's request and dismissing this petition without prejudice.

3 Because the Court stayed the action prior to service of the petition on respondent, there
4 will be no opposition to this Report and Recommendation. Accordingly, the Court notes the
5 Report and Recommendation for this Friday, September 12, 2014.

6 Dated this 10th day of September, 2014.

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8 J. Richard Creatura
9 United States Magistrate Judge
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